

**Town of Concord**

**APP #54**

**Decision Process for Land Acquisition**

**General Purpose**

At the 2008 Annual Town Meeting, the Town voted under Article 35 “to establish a process whereby when land acquisitions involve Town funds, affordable housing is considered as one possible use of the land before any final commitments are made. The Town Manager and the Board of Selectmen will be responsible for ensuring that a housing representative is present from the start of discussions with the Town to determine probable land uses.”

This Administrative Policy is hereby adopted jointly by the Board of Selectmen and Town Manager in order to administer the vote of Town Meeting under Article 35.

**Policy Guidelines**

The following interpretations and practices shall be followed in the decision process for land acquisitions involving Town funds.

- ***Appointment of Housing Representative.*** A housing representative and an alternate to serve when the housing representative is unavailable will be appointed annually by the Board of Selectmen from members of the Concord Housing Development Corp. (“CHDC”). The CHDC may be invited to suggest which of its members should be chosen as the representative and alternate, but such suggestion shall not be binding on the Selectmen. Notwithstanding the foregoing, in the case of projects and funding proposals before the Community Preservation Committee (“CPC”), the CPC member appointed by the Concord Housing Authority shall constitute the housing representative. In cases where the housing representative and alternate are unavailable and prompt action is needed, the Selectmen may appoint an ad hoc housing representative. The Selectmen may remove a housing representative in its discretion with or without cause. Any housing representative so removed shall be promptly replaced by the Selectmen.
- ***Start of Discussions.*** The “start of discussions with the Town” shall mean the meeting of the Board of Selectmen where the possibility of a land acquisition involving a reasonable possibility that Town funds will be used is discussed, provided that in the case of a project or funding proposal before the CPC, it shall mean the meeting of the CPC where such land acquisition is first discussed.
- ***Land.*** For purposes of this process, “land” shall mean real property on which there is a reasonable likelihood (taking into account zoning, wetlands, presence of

hazardous wastes and other pertinent factors) where there is a reasonable expectation that housing can be constructed or where existing structures can reasonably be converted into affordable housing. "Land" shall not include easements, rights of way, stub parcels, ponds and other parcels of property where no reasonable chance of constructing housing or converting existing structures to affordable housing exists.

- ***Presence of Housing Representative.*** The Selectmen will invite the housing representative to be present at the start of discussions as set forth above. "Present" shall include participation by telephone. In the case of funding for a land acquisition to be discussed by the CPC, the Chair of the CPC shall be requested to continue the initial discussion of such acquisitions when the CPC housing representative is not present. It is not expected that the housing representative will be present at every conversation by Town officials concerning a given land acquisition, but only that the housing representative be present at the start of discussions with the Town and on request be kept reasonably informed about the progress of discussions and be given an opportunity to advocate for the inclusion of housing. The housing representative shall be asked to inform the Selectmen (or CPC, as the case may be) as soon as possible if a given parcel is not deemed suitable in the housing representative's opinion for affordable housing.
- ***Responsibility of Housing Representative, Etc.*** The fact that the housing representative advocates for the Town to use land for affordable housing shall not require the Selectmen, CPC or Town to do so. It is anticipated (though the Selectmen shall have no responsibility for ensuring) that the housing representative shall communicate with appropriate housing groups in Town concerning potential land acquisitions, provided that the housing representative shall at all times keep strictly confidential any information concerning a potential land acquisition as requested to do so by the Town Manager or Selectmen. The housing representative shall not be held personally responsible in any way for the inclusion or omission of affordable housing from the use of any land acquired with the help of Town funds.
- ***Acquisition of Land.*** The fact that the housing representative for some reason is not present from the start of discussions with the Town or any subsequent discussion concerning the acquisition of a parcel shall not in any case render the Town's decision to acquire such parcel illegal or invalid.
- ***Town Funds.*** "Town funds" shall not include any funds provided by private organizations such as Concord Land Conservation Trust, but shall include funds provided through the CPC and Town meeting.

**Distribution: Department Heads  
Committee and Board Chairs  
Community Preservation Committee Members**